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ROBERT B. PRESTON, an individual

Special Appearance for

Defendant ARTER & HADDEN, LLP

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

IN RE:) CIVIL NO. CV03-00326 REJ KSC
HAWAII STATE ASBESTOS)
CASES	) DEFENDANT ROBERT B.
	) PRESTON, AN INDIVIDUAL'S, AND
GEORGE H. TORO and VIVIAN	) ARTER & HADDEN'S
TORO;	) CONDITIONAL STATEMENT OF
	) NO POSITION REGARDING
ZEKE H. SAKURAI and MASAE	) PLAINTIFFS' MOTION TO (1)
SAKURAI;	) APPROVE ENTERING INTO
	) STIPULATION WITH TRUSTEE IN
LOLITA F. APO, individually and as	) THE ARTER & HADDEN LLP
Special Administrator of the Estate of	) CHAPTER 7 BANKRUPTCY, AND
JOHN K. APO, deceased;	) (2) ISSUE AN ORDER TO SHOW
	) CAUSE TO THE "MINIDOM
VIOLET MAIL, individually and as	) INSURERS", FILED FEBRUARY 10,

Special Administrator of the Estate of
SAMUEL K. MAII, deceased;

Plaintiffs,

vs.

1) COMBUSTION ENGINEERING,
INC., a Delaware corporation;

2) ABB, LTD., a foreign corporation, as
Successor-in-Interest to COMBUSTION
ENGINEERING, INC., a Delaware
corporation;

3) ASEA BROWN BOVERI, LTD., a
foreign corporation, as Successor-in-
Interest to COMBUSTION
ENGINEERING, INC., a Delaware
corporation;

4) ASEA BROWN BOVERI, INC., a
Delaware corporation, as Successor-in-
Interest to COMBUSTION
ENGINEERING, INC., a Delaware
corporation;

5) TRAVELERS INSURANCE
COMPANY, a Connecticut corporation;

6) TRAVELERS INDEMNITY
COMPANY, a Connecticut corporation;

7) ARTER & HADDEN, LLP;

8) ROBERT B. PRESTON, an
individual;

9) FRANK T. CHRISTENSON, an
individual;

) 2006; DECLARATION OF
) LEIGHTON M. HARA;
) CERTIFICATE OF SERVICE

) HEARING:

) DATE: April 27, 2006

) TIME: 10:00 a.m.

) JUDGE: Hon. Robert E. Jones

) TRIAL: NOT YET SCHEDULED

) JUDGE: ROBERT E. JONES

) Chief U.S. District

) Judge

10) CONNECTICUT VALLEY CLAIMS)
 SERVICES COMPANY, INC., a)
 Delaware corporation;)
)
 11) JOHN P. BRETT, an individual;)
)
 12) CHAR HAMILTON CAMPBELL &)
 THOM, Attorneys At Law, A Law)
 Corporation;)
)
 Defendants.)
 _____)

DEFENDANT ROBERT B. PRESTON, AN INDIVIDUAL'S, AND
 ARTER & HADDEN'S CONDITIONAL STATEMENT OF
 NO POSITION REGARDING PLAINTIFFS' MOTION TO (1) APPROVE
 ENTERING INTO STIPULATION WITH TRUSTEE IN THE ARTER &
 HADDEN LLP CHAPTER 7 BANKRUPTCY, AND (2) ISSUE AN ORDER TO
SHOW CAUSE TO THE "MINIDOM INSURERS" FILED FEBRUARY 10, 2006

COMES NOW Defendant ROBERT B. PRESTON, an individual, and
 Specially Appearing Defendant ARTER & HADDEN¹, (“collectively referred to
 herein as Defendants”) by and through their attorneys, Robbins & Associates, and
 pursuant to Local Rule 7.4 of the United States District Court for the District of
 Hawaii, hereby states that Defendants take no position with regard to that portion of
 Plaintiffs' Motion to (1) Approve Entering Into Stipulation with Trustee in the Arter &
 Hadden LLP Chapter 7 Bankruptcy, insofar as the stipulation limits Plaintiffs’

¹ Arter & Hadden has not made a formal appearance in this matter as the Amended Answer to Plaintiffs’ First Amended Complaint filed July 7, 2003 was withdrawn on October 3, 2003 pursuant to Plaintiffs’ counsel’s request. As such, Arter & Hadden has since filed a Notice of Bankruptcy with this Honorable Court on December 27,

potential recovery in the Hawaii asbestos cases to the limits of applicable insurance coverage for Arter & Hadden LLP.

With respect to the second Motion entitled Plaintiffs' Motion to (2) Issue an Order to Show Cause to the "Minidom Insurers", filed herein on February 10, 2006, Defendants submit that reservation of rights letters from the Insurer for Arter & Hadden and Robert Preston, were transmitted to Plaintiffs' counsel on March 20, 2006. See Declaration of Leighton M. Hara. Therefore, coverage is being provided to Defendants pursuant to the terms and conditions set forth in the applicable reservation of rights letters.

Counsel for Defendants will draft and circulate a stipulation/agreement to the appropriate parties, setting forth the undisputed coverage applicable to the instant action. However, the stipulation/agreement will set forth that none of the parties to the lawsuit are waiving any rights as to their respective positions on coverage and may petition the court at any time to issue a further ruling on coverage. The draft stipulation/agreement will be circulated among the relevant parties to address the coverage issues raised by Plaintiffs' Order to Show Cause.

DATED: Honolulu, Hawaii, March 22, 2006.

/s/ Kenneth S. Robbins

KENNETH S. ROBBINS

LEIGHTON M. HARA

WENDY M. YAMAMOTO

Attorneys for Defendant

ROBERT B. PRESTON, an individual

Specially Appearing for

Defendant ARTER & HADDEN, LLP

Civil No. CV03-00326 REJ KSC; Toro, et al. v. Combustion Engineering, Inc., et al.; DEFENDANT ROBERT B. PRESTON, AN INDIVIDUAL'S, AND ARTER & HADDEN'S CONDITIONAL STATEMENT OF NO POSITION REGARDING PLAINTIFFS' MOTION TO (1) APPROVE ENTERING INTO STIPULATION WITH TRUSTEE IN THE ARTER & HADDEN LLP CHAPTER 7 BANKRUPTCY, AND (2) ISSUE AN ORDER TO SHOW CAUSE TO THE "MINIDOM INSURERS", FILED FEBRUARY 10, 2006